IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

WEDNESDAY, THE 27TH JUNE 2007 / 6TH ASHADHA 1929

MACA.No. 1084 of 2007

OPMV.396/2004 of MOTOR ACCIDENT CLAIMS TRIBUNAL, OTTAPALAM
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APPELLANT/PETITIONER

KRISHNANKUTTY, S/O.NARAYANAN,
THAZHATHOD HOUSE, THAZHEKKODE WEST,
PERINTHALMANNA, MALAPPURAM DT.

BY ADV. SRI.M.SHAJU PURUSHOTHAMAN
SRI.K.S.RAJESH

RESPONDENTS: RESPONDENTS
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1. LATHIF, S/O.UNNIEN, 27 YEARS,
KUZHIYILPEEDIKA HOUSE, CHANGALEERI P.O.,
MANNARKKAD (DRIVER).

2. ABBAS, S/O.KUNHAYAMMU,
THAKADAN HOUSE, CHANGALEERI P.O.,
MANNARKAD (OWNER).

3. UNITED INDIA INSURANCE CO.LTD.,
MANNARKKAD.

BY

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR ADMISSION ON 27/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.B. KOSHY and K.P.BALACHANDRAN, JJ.

M.A.C.A. No. 1084 of 2007

Dated this the 27th day of June, 2007

Judgment

Koshy, J.

Appellant, at the age of 45, met with an accident by which he suffered injuries. The tribunal fixed Rs.3,000/- as the monthly income as he claimed that he is a businessman. Compensation was calculated for 20% disability as PW1 doctor certified that there is 20% disability. Case of the petitioner is that only Rs.3,000/- was taken as the monthly income which is very low. Except profession tax receipts, no data was produced to show that he was getting a higher income. Considering the age of the petitioner, 13 was fixed as multiplier. Total compensation of Rs.1,62,181/- was awarded by the tribunal with interest. Considering the nature of injuries and total amount awarded, we are of the opinion that just and reasonable compensation was awarded and no interference is required. The appeal is dismissed.

J.B.KOSHY
JUDGE

K.P.BALACHANDRAN
JUDGE

vaa

J.B. KOSHY AND
K.P.BALACHANDRAN, JJ.

M.F.A.NO./200

JUDGMENT

Dated:27th June, 2007